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Weil

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Paul Genender is a partner in the Firm's Complex Commercial Litigation practice group and is the leader of Weil's Litigation practice in Texas. Paul is a seasoned trial lawyer with an established track record of courtroom experience representing plaintiffs,

defendants, debtors and creditors.

Paul represents clients in connection with a wide range of business disputes, including antitrust, breach of contract, business fraud, breach of fiduciary duty, unfair and deceptive trade practices, unfair competition, securities fraud, non-competes and restrictive covenants, and misappropriation and theft of trade secrets matters. He also counsels clients on antitrust compliance, board governance, fiduciary duty and other business law issues, and pre-lawsuit dispute resolution options.

Paul has experience representing companies across industry sectors, including financial services, chemicals, real estate, retail, business services, energy, and telecommunications, as well as non-profits, family trusts, and professional associations. Recently, Paul has also been lead counsel in several key engagements in the retail space and the oil and gas industry, including bankruptcy proceedings and pricing/reserve valuation disputes. He has also handled significant healthcare litigation in complex payer cases between providers and insurers.

Notable Trial, Courtroom and Arbitration Experience

- Lead counsel representing Alaska Airlines in a high profile dispute (pending in the Federal District Court in Dallas) with Southwest Airlines, Delta Airlines and the City of Dallas involving use of the finite number of gates at Dallas Love Field.
- Representing Sheridan Healthcare Corporation and its subsidiaries and affiliates in multiple cases in South Florida against Aetna

Practice Areas

- › Complex Commercial Litigation
- › Trade Secrets
- › Appellate

Sectors

- › Energy
- › Healthcare and Life Sciences

Admissions

- › State of Texas
- › New York State
- › US Supreme Court
- › US Court of Appeals 5th Cir.
- › Eastern District Texas
- › Northern District Texas
- › Southern District Texas
- › Western District Texas

Education

- › Duke University (A.B., magna cum laude, 1991)
- › Duke University School of Law (J.D., 1994)

involving underpayment of healthcare claims.

- Securing a dismissal, with prejudice and without leave to amend, in the Southern District of Texas on behalf of senior executives of Anadarko Petroleum in a securities class action arising out of an explosion at an oil well in Colorado. The dismissal was affirmed by the Fifth Circuit in December 2019.
- Serving as lead trial counsel for a former CFO and minority shareholder as plaintiff in Texas state court litigation involving direct claims for breach of contract against a Texas-based oil and gas company and its parent corporation, as well as defending counterclaims for breach of fiduciary duty and fraud against our client. Following a six-week jury trial, secured a \$10 million-plus verdict and a final judgment in his client's favor on all claims and which defeated all counterclaims. This jury verdict was recognized in 2011 by *Texas Lawyer* in its "Texas Verdicts Hall of Fame" and was the second largest contract verdict in Texas in 2011.
- Winning a complete defense jury verdict for the nation's largest bakery in a putative antitrust price-fixing class action involving the Texas bread industry for the years 1977-1993, in which a 52,000-member class sought \$1 billion in damages. The verdict of no liability was later upheld on appeal.
- Obtaining a complete defense jury verdict as lead counsel for Compex Technologies, L.L.C. after a two-week trial in Dallas federal court in a case where the plaintiff sought in excess of \$40 million in damages from Compex and a co-defendant in a case involving contract and complicated misappropriation of intellectual property claims.
- Serving as lead counsel for plaintiff real estate industry client, secured seven-figure jury verdict (and defeated all counterclaims) following multi-week trial in 101st Judicial District Court in Dallas of complex real estate development and partnership dispute, which involved claims for breach of contract, breach of fiduciary duty, and defamation.
- Obtaining a multi-million dollar plaintiff jury verdict and final judgment on behalf of the owner of trademarks of non-alcoholic beer labels in breach of contract and breach of fiduciary duty litigation.
- Securing a \$10+ million arbitration award – after liability was established by a favorable summary judgment ruling – in favor of a healthcare industry client in a dispute arising out of the breach of a technology service contract with a vendor.
- Obtaining a favorable arbitration award denying all of claimants' claims against client VarTec Telecom in a complex dispute involving more than \$300 million after two-week expedited proceeding in Washington, D.C.
- Serving as lead trial counsel for a national retail industry client in a jury trial of a complex lease dispute brought by a landlord in the U.S. District Court for the Southern District of Texas (McAllen Division), obtained substantial recovery of attorneys' fees, and earlier prevailed on all other claims on summary judgment.

Notable Bankruptcy Litigation Experience

- Led the litigation team for EP Energy Corporation, and its affiliated debtors, a public oil and natural gas exploration and production company, in their chapter 11 cases involving approximately \$4.9 billion in funded debt obligations, including in successful trials over contested backstop/plan support agreements (November 2019) and contested plan confirmation (February/March 2020).
- Led the litigation and trial team Kingfisher Midstream, LLC and its subsidiaries, a midstream oil and gas services business with substantial gas processing, crude oil gathering and storage, and produced water gathering and disposal assets in the Anadarko Basin in Oklahoma, in their chapter 11 cases, including win of contested sale hearing (January 2020).
- Led the litigation and trial teams representing Sears Holdings, a prominent global retailer, in various contested trial matters surrounding its chapter 11 bankruptcy proceedings, including obtaining approval of a \$5.2 billion sale of all or substantially all of Debtors' assets (February 2019), defeating Section 507(b) surcharge claims of between \$500 million and more than \$1 billion asserted by lienholders (July 2019), and successful confirmation of the Debtors' contested Chapter 11 plan (October 2019). (S.D.N.Y.)
- Led the litigation team representing Claire's Stores, Inc., one of the world's leading specialty retailers of fashionable jewelry, accessories, and beauty products, in connection with its chapter 11 bankruptcy reorganization in Delaware (March-October 2018).
- Led the litigation and trial team representing CHC Group Ltd., a helicopter services company that provides transportation to offshore oil and gas platforms, in various contested litigation matters surrounding its chapter 11 bankruptcy proceedings, including approval of contested plan support/backstop agreements (November 2016), confirmation and emergence (2017). (Dallas)
- Led the litigation team representing DAK Americas LLC, a subsidiary of Alfa S.A.B. de C.V., a Mexican public company, in connection with the chapter 11 cases of Mossi & Ghisolfi S.p.A and its subsidiaries in Delaware in 2017 and 2018.
- Led the litigation team representing Central Grocers, a Midwest grocery store chain, in connection with a contested trial over the sale of an \$85 million dollar distribution center as part of its chapter 11 bankruptcy proceedings in Illinois.
- Led the litigation team representing Paragon Offshore, a global provider of offshore oil drilling rigs, in contested litigation and trial matters surrounding its chapter 11 bankruptcy reorganization in 2016 and 2017. (Delaware)
- Led the litigation team representing Azure Midstream Partners in connection with the confirmation of its chapter 11 liquidation plan to pay creditors by selling its assets. Following litigation brought by an equity committee, the plan was successfully confirmed in U.S. Bankruptcy Court in the Southern District (Houston) of Texas in May 2017.
- Led the litigation team representing CTI Foods LLC and its affiliated debtors, a leading independent provider of custom food products for

major chain restaurants in North America, in their prepackaged chapter 11 cases involving liabilities in excess of \$655 million (March-April 2019).

Other Recent Representative Experience

- Representing the National Athletic Trainers' Association (NATA) in major antitrust litigation against the American Physical Therapy Association (APTA) in federal court in Dallas involving allegations that the APTA unfairly restricted athletic trainers from practicing manual therapy and gaining access to continuing education courses on manual therapy. The case was settled and the parties entered a Joint Statement on Cooperation.
- On behalf of a joint venture consisting of The Retail Connection and Colonial Properties Trust, obtained a favorable settlement of litigation brought in Dallas County which encumbered our clients' commercial real estate valued at over \$70 million, thereby enabling our clients to secure a sales contract and, ultimately, to close on the sale of the property.
- Representing News Corp Star US, LLC (News Corp Star) and Star India, obtained a dismissal with prejudice for failure to state a claim in 2013 in a major dispute in the U.S. District Court for the Southern District of Texas regarding an advertising agreement.
- Defended a national commercial aggregates company by obtaining summary judgment in an arbitration proceeding based on the principle that a seven-figure liquidated damages clause sought to be enforced by plaintiffs was an impermissible penalty. The arbitration panel consisted of three retired Dallas County Judges and their unanimous ruling eliminated all of plaintiffs' claims ten days prior to the scheduled hearing.

Paul has been recognized for many years for his work by leading national and regional business publications, including by Chambers USA in 2021, where clients note that he has "superior intellectual skills matched with an equally impressive command of the law and an uncompromising commitment to winning," is an "outstanding lawyer, who is extremely smart, diligent, and prepared" and is a "very persuasive litigator." In 2021, Paul was recognized as an MVP for Trials by Law360. He is also recognized by Legal 500 (2017, 2020-2021), Best Lawyers in America* (2007-2022), D Magazine (2004-2021), and Texas Super Lawyers** (2004-2021).

Paul also is actively engaged as a leader in a number of professional, civic, and educational organizations. Since 2013, he has served on the Board of Visitors of Duke University School of Law and on the Alumni Board of St. Mark's School of Texas, for which he currently serves as President. In 2019, he also was elected to the Board of Trustees of St. Mark's School of Texas. Since 2010, he has served on the Board of Trustees

of Temple Emanu-El in Dallas and has chaired its legal committee since 2011 (providing pro bono counsel). In 2019, he received the President's Award from Paul Quinn College, a historically black college in Dallas, Texas, for his "outstanding contribution and support" of the school's mission. In 2020, Paul was appointed General Counsel of the Texas General Counsel's Forum. His pro bono work includes recently authoring an amicus brief to the U.S. Supreme Court on behalf of various law professors in *Ivy v. Morath*, a case seeking to protect the rights of deaf citizens to receive drivers education in Texas.

Additionally, Paul has held a number of leadership positions within the Dallas Bar Association, including Vice-Chair and Co-Chair of the Bench Bar Committee and the Judiciary Committee. He is a 2007 graduate of the Leadership Dallas Class of the Greater Dallas Chamber of Commerce, and served as one of three class advisors to the 2008 Leadership Dallas Class. He has also been actively involved with the Texas General Counsel Forum, where he has served on the Board of Directors of the Dallas-Fort Worth Chapter since 2005, co-chaired the Membership Committee from 2009-2010 and in 2015, and co-chaired the annual conference in 2010 and 2017. Paul also served on the Council of the State Bar of Texas' Antitrust and Business Litigation Section from 2006-2010, and is a Fellow of the American Bar Foundation, the Texas Bar Foundation, and the Dallas Bar Foundation. In 2020, he was appointed to the Board of Directors of the Dallas Women Lawyers Association (DWLA) Foundation, and was honored by the DWLA as the recipient of its James E. Coleman, Jr. "Her Champion Award," in recognition of his support and dedication to advancing women in the legal profession.

Prior to joining Weil, Paul was a litigation partner at an international law firm and a coordinator of its firm-wide commercial disputes practice group.

Paul received his J.D. in 1994 from Duke University School of Law, where he served as Notes Editor of the *Duke Journal of Comparative and International Law*. He received his A.B., magna cum laude, Phi Beta Kappa, in 1991 from Duke University.

* Best Lawyers (in America) is by Levine Leichtman Capital Partners

** Super Lawyers recognition is a Thomson Reuters service

Awards and Recognition

- › **Paul Genender Named a “Leading” Lawyer for Litigation: General Commercial – Texas**
Award Brief — Chambers USA
- › **Paul Genender Recognized as 2021 MVP for Trials**
Award Brief — Law360

Speaking Engagements

- › **Current Ethics Issues for Company Counsel**
Speaker(s): [Paul R. Genender](#), [Megan Elizabeth Cloud](#) and [Jenae D. Ward](#)
October 26, 2021 — Association of Corporate Counsel — Weil Complex Commercial Litigation partner Paul Genender, together with associates Megan Cloud and Jenae Ward, virtually presented a CLE to the Dallas – Fort Worth Chapter of the Association of Corporate Counsel entitled “Current Ethics Issues for Company Counsel.” The presentation covered critical ethical issues affecting in-house counsel, including privilege, conflicts of interest, and advance waivers.
- › **Protecting Valuable Company Information in a Post-COVID World**
Speaker(s): [Gary D. Friedman](#), [Paul R. Genender](#), [Bambo Obaro](#) and [Patrick J. O'Toole Jr.](#)
October 18, 2021 — Weil Trade Secrets Webinar — Weil Employment Litigation partner Gary Friedman and Complex Commercial Litigation partners Paul Genender, Bambo Obaro, and Patrick O'Toole presented a CLE webinar entitled “Protecting Valuable Company Information in a Post-COVID World.” They discussed recent federal and state developments in restrictive covenant law, unique California law issues, developments under the Defend Trade Secrets Act, and tips for protecting trade secrets in a virtual/remote environment.

Latest Thinking

- › **Lessons Learned During the Pandemic – the Importance of Commercial Lease Management and Review Systems**
Publication — Association of Corporate Counsel — By [Paul R. Genender](#) and Ron Miller — PDF — May 19, 2021
- › **In re National Prescription Opiate Litigation: Lessons Learned from the Novel “Negotiation Class”**
Alert — [Class Action Monitor](#) — By [Paul R. Genender](#), [Lara B. Bach](#) and [Jake Rutherford](#) — PDF — June 2020

Firm News & Announcements

- › **Paul Genender Profiled as a 2021 Law360 Trials MVP**
Firm Announcement — September 23, 2021
- › **Weil Assists Pro Bono Clients Challenging Restrictive New Voting Law in Texas**
Litigation Win — September 14, 2021

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